

# The Diversity Plan



## Guiding Principles

- Plan for and create a more diverse workforce.
- Develop an integrated approach to managing diversity across business operations.

[References: [DEAR 970.2671](#) and [970.5226-1](#)]

## 1.0 Summary of Latest Changes

This update: (1) deletes the previous guide chapter 70.7, Chapter 12, The Diversity Plan, Equal Employment Opportunity, and Small Business (June 2006) and re-issues this new chapter 70.26 in its place, and (2) makes administrative changes.

## 2.0 Discussion

This chapter supplements other more primary acquisition regulations and policies contained in the references above and should be considered in the context of those references.

**2.1 Diversity Plan Objective.** The objective of the Diversity Plan, as implemented by the Department of Energy Acquisition Regulation (DEAR) 970.5226-1, “Diversity Plan” clause is to obtain the contractor’s commitment to diversity sensitivity and inclusiveness in all aspects of its business practices, the workplace, and relations with the community at large. DOE Management and Operating contractors have the opportunity to be innovative with their Diversity Plans in order to increase opportunities for:

- Minorities,
- Women,
- Veterans,
- American Indians,
- Hispanics,
- Asian/Pacific Americans,
- African Americans,

- Disabled, and
- Other groups of workers, who, historically, have not had the opportunity to fully use their talents.

**2.2 Diversity Plan Contents.** DEAR 970.5226-1, “Diversity Plan” requires contractors to submit a plan within 90 days of contract award that includes innovative strategies for increasing opportunities to fully use the talents and capabilities of a diverse work force. The Diversity Plan should be tailored to the unique circumstances of the individual contract site (e.g., mission, organization culture). The contractor’s business and management strategies for diversity should focus on creating a work environment that accepts and respects the characteristics, skills, and experiences that each individual brings to the work environment consistent with the Department’s policy on diversity (see DEAR 970.2671-1) and the Department’s objectives for its Diversity Program (see DOE O 311.1B). Accordingly, the contractor’s Diversity Plan should address the linkage between the following elements and the contractor’s organizational business and management strategies for diversity, including the contractor’s vision and definition of diversity:

**2.2.1 Contractor’s Workforce.** The Department’s contracts contain clauses on Equal Employment Opportunity (EEO) and Affirmative Action (AA). The plan may discuss how the contractor has or plans to establish and maintain results-oriented EEO and AA programs in accordance with the requirements of these clauses, and how the contractor’s organization includes or plans to include elements/dimensions of diversity that are targeted at enhancing such programs.

**2.2.2 Educational Outreach.** The plan may discuss the contractor’s strategies to foster relationships with Minority Educational Institutions and other institutions of higher learning (e.g., Historically Black Colleges and Universities, Hispanic serving institutions, and Native American institutions) to increase their participation in federally sponsored programs through subcontracting opportunities, research and development partnerships, and mentor-protégé relationships. The contractor’s plan may also discuss cooperative programs which encourage under represented students to pursue science, engineering, and technology careers.

**2.2.3 Community Involvement and Outreach.** The plan may discuss the contractor’s community relations activities in support of diverse elements of the local community, for example: Support for science, mathematics, and engineering education; support for community service organizations; assistance to governmental and community service organizations for equal opportunity activities; community assistance in connection with work force reduction plans; Strategic partnerships with professional and scientific organizations to enhance recruitment into all levels of the organization; and Use of direct sponsorship or making individual employees available to work with a specific community activity. Also, the contractor’s plan may discuss cooperative programs which encourage under represented students to pursue science, engineering, and technology careers.

2.2.4 Subcontracting. If appropriate to the contractor, the contract will contain FAR clause 52.219-9, entitled, "Small Business Subcontracting Plan," and other small business related clauses. Additionally, the solicitation under which the contractor proposed may have contained additional guidance on small business subcontracting. The plan may discuss outreach activities and achievements for enhancing subcontracting opportunities for small businesses, small disadvantaged businesses (e.g., small businesses owned and controlled by socially and economically disadvantaged individuals, Native American Tribes, Alaska Native Corporations, or Native Hawaiian Organizations), small business firms located in historically underutilized business zones, women-owned small businesses, and veteran-owned (including service-disabled veteran-owned) small businesses. The plan may also discuss actual or planned participation in the Department's Mentor-Protégé Program.

2.2.5 Economic Development including Technology Transfer. Some of the Department's contracts include clauses dealing with technology transfer, DEAR 970.5227-2, 970.5227-3, 970.5227-10, and 970.5227-12. Planning or activities developed under such clauses may apply to this element of the Diversity Plan. Additionally, subcontracting policies and activities undertaken or planned by the contractor with small, small disadvantaged, Hubzone small business, women-owned, and veteran owned small business concerns for the purpose of assisting the economic development of, or transferring technology to, such business concerns may be discussed.

2.2.6 Prevention of Profiling Based on Race or National Origin. Profiling pertains to those practices that scrutinize, target or treat employees or applicants for employment differently or single them out or select them for unjustified additional scrutiny, based on race or national origin. The plan may discuss the contractor's approach to preventing prohibited profiling practices, including strategies for early detection of potential profiling in the contractor's business activities (e.g., personnel actions, security clearances).

2.3 Evaluation. The Department evaluates the contractor's performance against the requirements of the Diversity Plan to determine the extent to which the contractor's performance complies with the approved plan. Evaluated performance that is less than that required under the contract may result in either a reduction in the amount of award fee awarded to the contractor or, for those contracts not containing award fee provisions, other measures. For contracts that provide for an award fee, Heads of Contracting Activities may evaluate the contractor's performance against its Diversity Plan under the award fee portion of the annual contract Performance Evaluation and Measurement Plan (or similar document) of the contract. To the extent that general business management is a factor in the evaluation of the contract performance relating to award fee, the Diversity Plan is included as an element in that evaluation. If any elements of the Diversity Plan are already evaluated elsewhere (e.g., subcontracting plan or technology transfer) under the contract for the purposes of award fee, those elements must not be evaluated again under the Diversity Plan factor.